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DEC 23 2004

OFFICE OF PETITIONS

In re Application of
Al Uzumcu et al.
Application No. 10/791,671
Filed: March 2, 2004
Attorney Docket No: 035568-0127

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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
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This is in response to the renewed petition filed under 37 CFR 1.47(a) on December 13, 2004.

The petition is **GRANTED**.

The above-identified application was filed on March 2, 2004, without an oath or declaration. Accordingly, a Notice to File Missing Parts was mailed May 21, 2004 requiring inter alia, an executed oath or declaration, filing fees and a surcharge for their late filing. In response, on September 17, 2004, a petition was filed, accompanied by inter alia, the late filing surcharge and a two (2) month extension of time. On October 14, 2004, the petition was dismissed because the petitioners failed to show that a complete application had been sent to the non-signing inventor Al Uzumcu.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

In response to the decision dismissing the petition filed September 17, 2004, the instant petition shows that a complete application had been sent to non-signing inventor Al Uzumcu.

A review of the file reveals that the petition fee in the amount of \$130.00 was not submitted with the September 17, 2004 and in view of the authorization, deposit account no. 06-1447 will be charged.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to Technology Center 3723 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script, reading "Patricia Faison-Ball".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions